

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES LIABILITY)	
INSURANCE CO., INC., AS)	
INSURER OF ADMINASERVICE, INC.)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 04-11824 PBS
v.)	
)	
ADVANTIUS, INC., NEAL)	
BERGSTROM, ROBERT)	
STEVENS, CHARLES CAMBRA,)	
III, JONATHAN K. DRIGGS, AND)	
WORKFORCE SOLUTIONS, INC.,)	
)	
Defendants.)	
)	

**MOTION FOR ASSESSMENT OF DAMAGES AGAINST
NEAL BERGSTROM, ROBERT STEVENS AND ADVANTIUS, INC.**

Comes now, the plaintiff, United States Liability Insurance Co., Inc. (“USLI”), as insurer of AdminaService, Inc. and hereby prays that this Court assess damages against the defendants Neal Bergstrom (“Bergstrom”), Robert Stevens (“Stevens”) and Advantius, Inc. (“Advantius”) pursuant to Fed.R.Civ.P. 55 (b)(1) and (b)(2) for failure to plead or otherwise defend as required by Rules 12 and 14. The Court entered default judgment against all parties.

In support of this motion, the plaintiff states the following:

1. Defendant, Advantius, committed conversion, fraud and acted negligently. As a direct result of its actions, AdminaService was forced to defend itself against claims made by Sapers & Wallack Insurance Agency, Inc.

2. USLI hired the law firm of Fitzhugh, Parker & Alvaro, LLP to defend AdminaService. That claim was settled in or about March 2004. USLI paid \$749,343.25 in settlement of the claim.
3. Defendant Bergstrom was the Chief Executive Officer of Advantius at all relevant times.
4. Bergstrom was served on October 4, 2004 and he filed a motion to dismiss, which was denied on December 16, 2004 and entered onto the docket on December 21, 2004. The court entered default judgment against him on May 24, 2005.
5. Defendant Stevens, was served individually on October 4, 2004 and his answer or response to the complaint was to be filed November 3, 2004. He has not filed an answer or other responsive pleading to date. The court entered default judgment against him on May 24, 2005.
6. Advantius, a Delaware corporation, was served on October 4, 2004 and its response or answer to the complaint was to be filed November 3, 2004. Advantius has not filed an answer or other responsive pleading to date. The court entered default judgment against it on June 16, 2005.
7. In support of this motion, plaintiff submits the Affidavit of Chris Hemsley, filed herewith as Exhibit A.

WHEREFORE, United States Liability Insurance Co., Inc., as insurer of AdminaService, Inc. respectfully requests that the Court assess damages against Bergstrom, Stevens and Advantius in the amount of \$749,343.25 plus interest and costs, and any other relief this Court deems just and appropriate. USLI is willing and able to provide evidence of said damages at a hearing, however it does not believe such action is necessary.

Respectfully Submitted,

**UNITED STATES LIABILITY
INSURANCE CO., INC., AS
INSURER OF ADMINASERVICE, INC.,**
By its attorney,

/s/ Amy Cashore Mariani
Amy Cashore Mariani, Esq., BBO# 630160
Fitzhugh, Parker & Alvaro, LLP
155 Federal Street, Suite 1700
Boston, MA 02110
617-695-2330

Dated: March 21, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 21, 2006.

/s/ Amy Cashore Mariani
Amy Cashore Mariani